

REMARKS

This paper is filed in response to the Office Action dated March 28, 2005. Claims 1 - 5 are canceled without prejudice or disclaimer. Claims 6, 7 and 11 are amended. Claims 6 - 11 are in the case.

The Examiner is respectfully requested to acknowledge Applicants' claim for priority under 35 U.S.C § 119.

The Examiner requires restriction between the following claims under 35 USC § 121 and 372:

Group I (claims 1 - 10) drawn to a herbicidal composition; and

Group II (claim 11) drawn to a process for control of weeds

Applicants are required to elect one group for examination even if with traverse. Applicants hereby elect to prosecute the invention of group I, claims 1 - 10 (now 6 - 10), with traverse. Applicants further provisionally elect the compound the compound on page 3, lines 27/28 2-(2'nitro-4'methylsulphonylbenzoyl)-1,3-cyclohexanedione as an ultimate species.

Reconsideration of the restriction requirement is respectfully requested. Thus, Applicants view as appropriate the inclusion in a single application of claims reading on a composition and of claims reading on a directly related utility for that composition. What is represented is interrelated subject matter. This interrelationship rather than the classification in separate classes should be the overriding factor in determining the propriety of the restriction requirement. Additionally, the current guidelines on restriction practice recommend the examination of different sets of claims when such examination would not be unduly burdensome or prolonged. It is contended that this guideline would apply to the instant set of claims.

Applicants maintain that they have made a complete response to the restriction requirement of the Examiner and that the instant application and claims are now in condition for examination on their merits and for allowance.

Appl No. 10/517,873
Response Dated Dec. 11, 06
Reply to the Office action of Oct. 12, 2006

A Notice of Allowance is respectfully solicited. If any fee is due in connection with this response, the Examiner is authorized to charge Deposit Account No. 50-1676 in the name of Syngenta Crop Protection, Inc. for the appropriate amount.

Respectfully submitted,

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